

Summary Report on Zoning Articles for 2017 Town Meeting

Prepared by the Planning Board

In anticipation of the 2017 Town Meeting five potential Zoning Articles were proposed via the Zoning Board of Appeals (2), and the Planning Board (3). After the duly noticed public hearing process minor changes were made to the original text of three of the articles submitted, which were then unanimously supported by the Planning Board. One article was not changed at all during the public hearing process and was unanimously supported by the Planning Board, and, one article was withdrawn from consideration by the Zoning Board. A summary of the four articles which will be on the warrant follows.

Article AAA: Amend Zoning By-law re: Lot Width (proposed by the Planning Board)

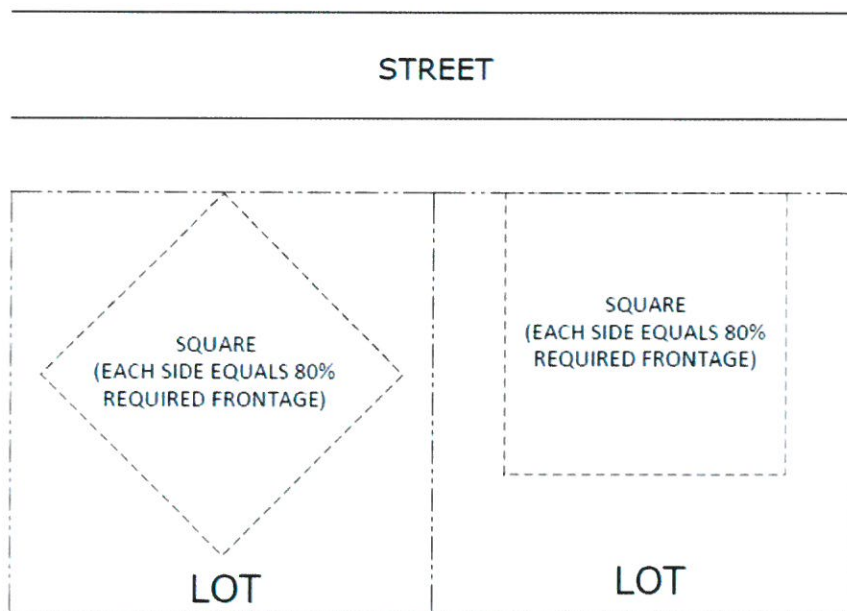
This proposed amendment would delete the existing text of Section IV-C. 2, and insert revised language that accomplishes the same intent in a slightly more restrictive manner, and, is easier to understand. The purpose of this By-law amendment is to provide consistency in the shape of lots. It will reduce the creation of irregularly shaped lots, allow access to the built portions of the site over the frontage, help public safety officials locate and access properties over the frontage, regulate the overdevelopment of land through the creation of irregularly shaped lots, and also prevent the overdevelopment of sensitive areas.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

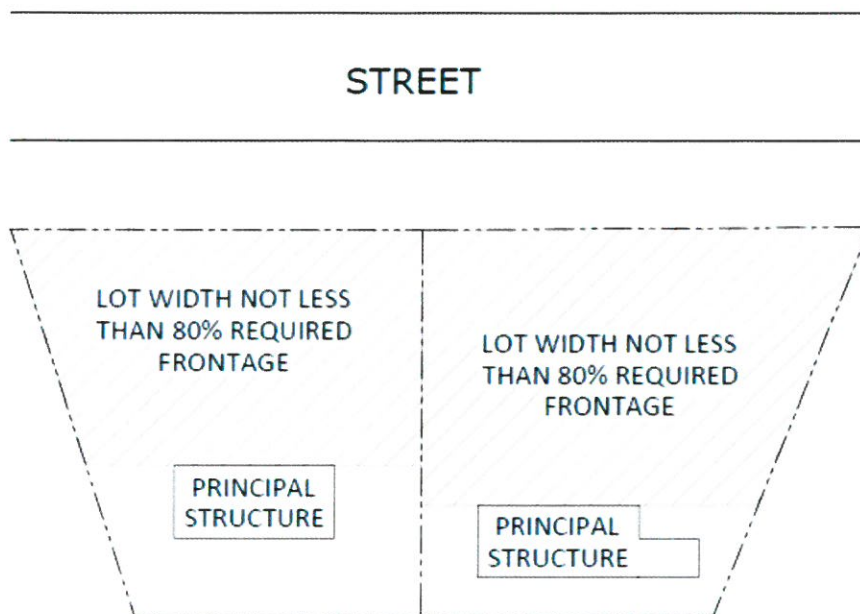
By amending Section IV-C. 2 by deleting the existing text, and, inserting the following

Lot Shape:

- a. In addition to the required frontage and area, each lot shall be laid out so that a square with each side equal to eighty (80) percent of the required frontage for the zoning district in which it is located can be placed within the lot lines with at least one point on the front lot line.



- b. In addition, at no point between the front lot line or primary front lot line and the front wall of the principal structure shall the lot have a width of less than 80% of the required frontage. Lot width is the horizontal distance between side lot lines, measured parallel to the lot frontage.



Article BBB: Amend Zoning By-law re: Regulation of the Sale and Consumption of Marijuana Not Medically Prescribed

(proposed by the Planning Board)

This proposed zoning amendment provides for a temporary moratorium on the *Regulation of the Sale and Consumption of Marijuana Not Medically Prescribed* to June 30, 2018.

The intent is to provide time for the Commonwealth to establish their procedures around this use so that we can understand them when developing local regulations. When the topic of Medical Marijuana came up the town adopted the same measured approach so that the local regulations would be complementary to the state regulations.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

V-J Regulation of the Sale and Consumption of Marijuana Not Medically Prescribed

1. Purpose

This Section is intended to provide restrictions that will allow the Town adequate time to consider where and under what conditions to allow the operation of marijuana establishments and the on-site consumption of marijuana and marijuana products, to the extent that such establishments and such consumption are permitted under state laws and regulations. *The Regulation and Taxation of Marijuana Act* (the "Act"), the purpose of which is to control the production and distribution of marijuana in the Commonwealth of Massachusetts, went into effect on December 15, 2016. However, as the Cannabis

Control Commission, to be formed under the Act, has until September 15, 2017 to adopt regulations consistent with the Act for the administration, clarification and enforcement of laws regulating and licensing marijuana establishments, a restriction on the location of such establishments in Hingham shall provide the opportunity to study their potential impacts on adjacent uses and on general public health, safety and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures. The moratorium, of a finite duration, will allow the Town to carefully study the potential impacts of such establishments and recommend zoning bylaw amendments to address the Town's concerns in the context of Town planning goals and objectives.

2. Definitions.

The capitalized terms used in this Section and not otherwise defined in this Bylaw shall have the meaning set forth in the Act.

3. Temporary Moratorium

For the reasons set forth above, and notwithstanding any other provision of the Zoning By-Law to the contrary or any other uses permitted thereunder, Marijuana Establishments, excluding any one or combination of the uses which may constitute a Medical Marijuana Treatment Center, shall not be permitted in any zoning district in the Town of Hingham so long as this Section is effective. Use variances shall be strictly prohibited.

4. Expiration

This Section V-J moratorium shall be in effect through June 30, 2018.

ARTICLE CCC: Amend Zoning By-law re: Parking Design Standards

(proposed by the Planning Board)

This proposed zoning amendment would provide additional guidance for applicants on design standards and submittal requirements for parking lot proposals incorporating pervious or porous pavement, as well as the landscaped portions of parking lots. The existing language encouraging shared parking has been expanded and clarified, again to provide clear guidance to the applicant, and there is new language on the creation of landbanked parking spaces. The Board wants to ensure that parking areas are sufficient in size and landscaped screening, without being over built, and that applicants have clear guidance in preparing submittals.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1: By amending Section V-A.5.l by inserting “The submittal should include information on the specific design proposed for pervious or porous pavement, and details of the required maintenance should be noted on the plans and incorporated as part of the submittal.” at the end of the section after the word “Protection”.

Item 2: By amending Section V-A.5.m by inserting “landscaped sections and islands in” after the word “within” in the first sentence.

Item 3: By amending Section V-A.5.m by inserting “and additional understory plantings” after “one live tree” in the first sentence, also inserting “designed” after “parking area” and deleting “so as” after “designed” in the first sentence.

Item 4: By amending Section V-A.5.m by inserting “large areas of hardscape and” after “visual impact of” in the first sentence.

Item 5: By amending Section V-A.5.m by inserting “All landscaped sections and islands shall contain a mix of evergreen shrubs, trees and plantings.” after the word “possible.”

Item 6: By amending Section V-A.5.m by deleting “Trees and” from the second sentence.

Item 7: By amending Section V-A.5.m by capitalizing “Landscaped” in the second sentence.

Item 8: By amending Section V-A.5.m by inserting “sections” and deleting “plots” in the second sentence.

Item 9: By amending Section V-A.5.m by inserting “Where landscaped sections abut a residential zone or use, the landscaping shall provide a year round screening effect with plantings and berms to shield abutters from headlights. If parking areas are designed so as to face a public way, the landscaping shall provide a year round screening effect to prevent headlight glare from shining into the way and soften the visual impact of the parking field.” after the sentence ending in “adjoining properties.”

Item 10: By amending Section V-A.5 by inserting a new subsection “n. Shared Parking/Reduction in Parking Requirements - A reduction in the required number of off-street parking spaces may be granted by Special Permit A3. Parking areas serving a clearly defined mixture of uses that do not place coincident demands on the parking area may have the parking requirements reduced by 10 percent for a lot with 50-99 spaces, and by 15 percent if the lot size is 100 spaces or greater. Projects are encouraged to provide shared parking, cooperative parking, bicycle accommodations, landbanked parking spaces, consolidation of curb cuts and driveways, and other on-site amenities to alleviate the demand for parking and the adverse impact of impervious surfaces.

Requests for reductions in off-street parking space requirements shall be accompanied by an analysis of the demand for off-street parking, a parking management summary, other like use parking demand studies and/or reports, a summary of the parking plan to reduce parking demand, and any other documentation necessary to adequately review the request for the reduction of parking requirements, prepared in accordance with the standards promulgated by the Institute of Transportation Engineers (ITE), the Urban Land institute (ULI) or other appropriate source.”

Item 11: By amending Section V-A.5 by inserting a new subsection “o. Landbanked Off-Street Parking Areas - For projects requesting a reduced parking requirement, the Planning Board may require that an area equivalent to the total area of the reduced off-street parking spaces and related landscaped areas and driveways be preserved and identified on the Site Plan. Each landbanked parking space shall meet the dimensional requirements in the by-law. The landbanked parking spaces shall be designed as part of the overall parking development, and in no event shall any landbanked parking space be located within the front or side yard setbacks, unless specifically permitted within the Zoning District. At the request of the Planning Board, the Applicant may be required to provide a parking monitoring program at specified times from the issuance of the certificate of occupancy, in order to determine if and when the landbanked parking spaces are needed. If, after the issuance of a certificate of occupancy, the Planning Board or the Applicant finds that all or a portion of the landbanked parking spaces are needed, the Applicant shall submit a written request to the Planning Board, which states the need for the additional off-street parking spaces, and a revised site plan denoting the unlandbanked parking spaces. Frequent parking of vehicles on a street adjacent to the premises or in areas not designated as formal parking spaces shall be considered evidence of the inadequacy of the off-street spaces provided.”

To provide the context of the proposed revisions, what follows is the text of Section V-A.5 with the revisions shown in “track changes” style.

5. Design Standards

a. All parking areas designated for a use other than Single-Family Dwelling shall be designed to provide safe and convenient vehicular and pedestrian access, circulation and maneuverability and pedestrian activity, in accordance with this Section.

b. All driveways shall be located and designed so as to minimize conflict with traffic on public and private ways and to provide good visibility and sight distance for observation of approaching vehicular or pedestrian traffic.

c. Loading spaces shall be provided for all commercial activities. Their location, number and length will be reviewed and approved during the site plan review process.

d. Ample space shall be designated for access to loading and service doors separate from all parking areas and without obstruction or hindrance to travel on streets, driveways and aisles.

e. Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. In no case shall parking or loading spaces be located as to require the backing or maneuvering of a vehicle onto a sidewalk, or public or private way in order to leave the space. Driveways should be located and designed so that queues do not obstruct effective use of aisles and parking spaces.

f. Parking space overhangs are not permissible beyond a property line, over a sidewalk, into a fire lane, or adjacent to a structure where a minimum clear distance of four feet cannot be provided.

g. A substantial bumper of masonry, steel or heavy timber, or concrete or granite curb, or berm curb which is backed shall be placed at the edge of the surfaced areas except driveways to protect abutting structures, properties, sidewalks and screening materials.

h. Any illumination of parking areas or loading or service areas shall be directed so as not to shine upwards or on abutting properties or public or private ways.

i. Parking spaces shall be delineated by white pavement markings.

j. Handicap spaces shall be provided in accordance with the Architectural Access Board regulations (521 CMR) for all parking areas exceeding 15 spaces.

k. The layout of the parking area shall provide sufficient space for the storage of plowed snow unless removal by other means is assured.

l. The maximum parking lot grade shall be 4 percent and the minimum 1 percent. Parking areas shall be surfaced with asphalt, concrete, or similar non-erosive surface, and drained in a manner deemed to be best management practice (BMP) to prevent erosion or excessive water flow across public and private ways or abutting properties as well as graded and drained such that stormwater runoff does not accumulate on the ground surface.

In addition to the foregoing, pervious paving materials may be permitted at the discretion of the Planning Board, subject to compliance with design and construction standards referenced in this sub-paragraph. The drainage system shall be designed to control the 10 year storm event, and stormwater management shall conform to the Stormwater Performance Standards and Guidelines of the Massachusetts Department of Environmental Protection. The submittal should include information on the specific design proposed for pervious or porous pavement, and details of the required maintenance should be noted on the plans and incorporated as part of the submittal.

m. Parking lots containing 10 or more parking spaces shall have at least one live tree and additional understory plantings per 10 spaces, such trees to be located within landscaped sections and islands in or around the parking area designed so as to soften the visual impact of large areas of hardscape bituminous concrete and parked vehicles as much as possible. -All landscaped sections and islands shall contain a mix of appropriate evergreen shrubs, trees and plantings. rees and Landscaped sections plots shall be so designed and located to provide visual relief, channelize logical areas for safe pedestrian and vehicular circulation, and screen the parking lot from adjoining properties. Where landscaped sections abut a residential zone or use, the landscaping shall provide a year round screening effect with plantings and berms to shield abutters from headlights. If parking areas are designed so as to face a public way the landscaping shall provide a year round screening effect to prevent headlight glare from shining into the way and soften the visual impact of the parking field. Trees shall be at least a three inch (3") caliper, with a clear trunk at least five feet (5') from the ground, and planted in raised plots providing a minimum of fifty square feet of seeded or landscaped permeable area per tree, whether planted singly or in groves. Preference should be given to species of growth and cultivation habit appropriate to the site. Existing trees shall be retained to meet this requirement whenever appropriate and practicable. Any landscaped areas may be included in the calculations for open space areas.

Parking lot trees must be maintained in a healthy growing condition at all times. The property owner is responsible for regular trash removal weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any tree which dies shall be removed promptly and replaced within the next planting season.

Parking lot trees shall not be cut down or removed when a parking lot is reconstructed or enlarged. Said trees may be moved to another location on the lot upon approval of a site plan modification by the Planning Board.

n. Shared Parking/Reduction in Parking Requirements- A reduction in the required number of off-street parking spaces may be granted by Special Permit A3. Parking areas serving a clearly defined mixture of uses that do not place coincident demands on the parking area may have the parking requirements reduced by 10 percent for a lot with 50-99 spaces, and by 15 percent if the lot size is 100 spaces or greater. Projects are encouraged to provide shared parking, cooperative parking, bicycle accommodations, landbanked parking spaces, consolidation of curb cuts and driveways, and other on-site amenities to alleviate the demand for parking and the adverse impact of impervious surfaces.

Requests for reductions in off-street parking space requirements shall be accompanied bywith an analysis offer the demand infor off-street parking, a parking management summary, other like use parking demand studies and/or reports, a summary of the parking planrogram to reduce parking demand, and any other documentation necessary to adequately review the request for the reduction of parking

requirements, prepared in accordance with the standards promulgated by the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI) or other appropriate source.

- o. Landbanked Off-Street Parking Areas - For projects requesting a reduced parking requirement, the Planning Board may require that an area equivalent to the total ~~area amount or a portion thereof~~ ~~the number of~~ reduced off-street parking spaces and related landscaped areas and driveways be preserved and identified on the Site Plan. Each landbanked parking space shall meet the dimensional requirements in the by-law ~~be equal to 9' x 18'~~. The landbanked parking spaces shall be properly designed as an ~~integral~~ part of the overall parking development, and in no event shall any landbanked parking space be located within the front or side yard setbacks, unless specifically permitted within the Zoning District. At the request of the Planning Board, the Applicant may be required to provide a parking monitoring program at specified timeframes from the issuance of the ~~c~~Certificate of ~~o~~Occupancy, in order to determine if and when the "landbanked parking ~~s~~Spaces" are needed. If, after the issuance of a certificate of occupancy, the Planning Board or the Applicant finds that all or a portion of the landbanked parking spaces are needed, the Applicant shall submit a written request to the Planning Board, which states the need for the additional off-street parking spaces and a revised site plan denoting the un-landbanked parking spaces. Frequent parking of vehicles on a street adjacent to the premises or in areas not designated as formal parking spaces shall be considered evidence of the inadequacy of the off-street spaces provided.

t.

ARTICLE DDD - Amend Zoning By-law re: Lot Area and Lot Line Definitions
(proposed by the Zoning Board of Appeals)

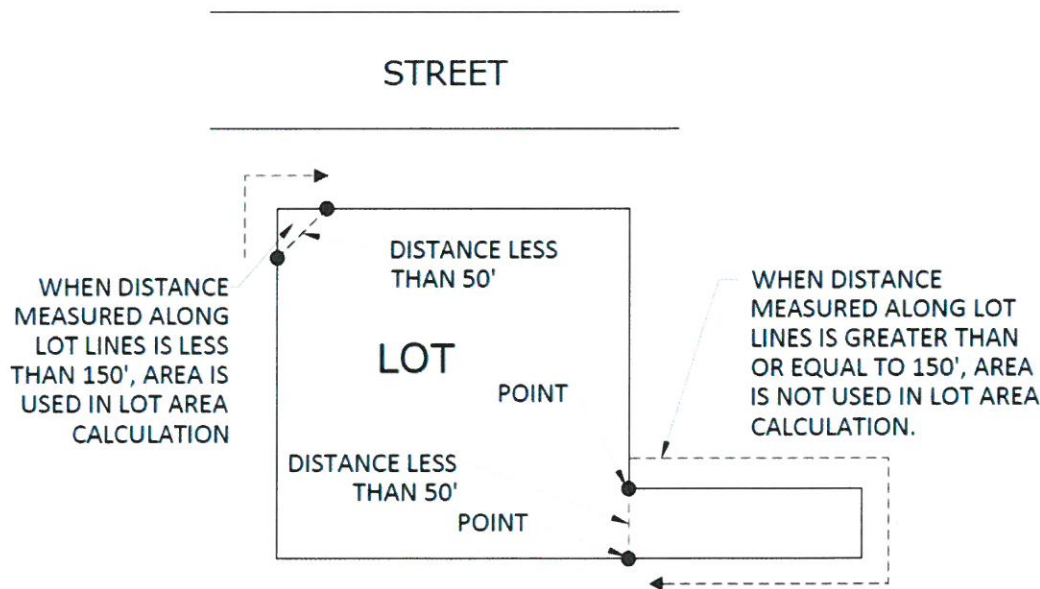
The purpose of this proposed amendment is to add Lot Area and Lot Line Definitions to the By-law and replace the existing diagrams of yards to match the new definitions. The Lot Area definition also excludes the use of long “fingers” or “tails” of land to meet the minimum lot area requirements. This exclusion may reduce the creation of irregularly shaped lots that have areas of questionable utility beyond helping to meet the minimum lot area requirements.

RECOMMENDED: That the Town amend the Zoning By-law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1. Insert the following definitions in Section VI:

Lot area

The total land area of a lot expressed in terms of square feet or acres. When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such line and lot lines shall only be considered in computing minimum lot area if the distance along such lot lines between such two points is less than one hundred and fifty (150) feet.



Lot line, front

The property line dividing a lot from a street right-of-way. In the case of a lot bounded by more than one street, the front lot line of greatest length shall be known as the primary front lot line. When a lot has front lot lines of equal length, the owner shall designate a single front lot line as the primary front lot line on the applicable plan and/or application.

Lot line, rear

The property line most nearly opposite and furthest from the front lot line or primary front lot line in the case of lots bounded by more than one street. In some cases, there may be no rear lot line.

Lot line, side

Any property line not a front or rear lot line.

Item 2. Replace the "Yard " diagrams where they appear in Section VI with the following diagram:

